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DIVERGENT PATHS AND MAKING A DIFFERENCE: REFLECTIONS ON A JOURNEY TO, IN, AND FROM VALPARAISO

Edward McGlynn Gaffney*

The Road Not Taken

Robert Frost (1920)

Two roads diverged in a yellow wood,
And sorry I could not travel both
And be one traveler, long I stood
And looked down one as far as I could
To where it bent in the undergrowth;
Then took the other, as just as fair,
And having perhaps the better claim,
Because it was grassy and wanted wear;
Though as for that the passing there
Had worn them really about the same,
And both that morning equally lay
In leaves no step had trodden black.
Oh, I kept the first for another day!
Yet knowing how way leads on to way,
I doubted if I should ever come back.
I shall be telling this with a sigh
Somewhere ages and ages hence:
Two roads diverged in a wood, and I—
I took the one less traveled by,
And that has made all the difference.

I. INTRODUCTION

A. A Large Debt of Gratitude

I begin this memoir of my association with the Valparaiso University School of Law (VUSL) not with an ordinance or a statute, a text from the Constitution of the United States or of one of the several States, an apt citation from some great case or some eloquent philosopher of jurisprudence. Instead, I think this moment needs the touch of a poet.

Robert Frost—one of this country's most famous poets—wrote *The Road Not Taken* nearly a century ago. It bears rereading at this time of the closure of VUSL. Frost wrote of divergent paths and of the importance of

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pausing to reflect whether to go this way or that in the camino of our lives, with the hope that decisions about roads taken and not taken will make a difference.

I very much doubt that Frost stopped seeing polyvalence or multiple possible meanings in the words he wrote. The benefit of this doubt is a sufficient reason for you to join me in a search for various meanings grounded in our own experiences at VUSL. In many different ways, our experiences have led us to understandings, judgments, and decisions that have made all the difference in our lives and thus enables each of us to make a difference.

In this memoir, I share some reflections on the twists and turns of my life in the past forty years since I first came to VUSL. I do so, not to call attention to my life, but in the hope that these reflections will evoke from readers some similar reflection on their varied experiences and understandings of this remarkable community. If this occurs, then we will be fellow travelers joined in a search for a collective memory of a great law school. Although VUSL will no longer continue to train lawyers, it has affected us deeply and has enabled us to live lives as lawyers and as citizens of this country and of the world. More importantly, this school affected us as human persons.

This law school has, in my view, been guided by an overarching method that seems to me very sound. Interactions that have occurred in this community of scholars—both faculty members and students—have challenged us regularly to pay attention to our own experiences of life and those of our clients and friends, to seek deeper understanding of what these experiences really mean, to reach careful judgments about values that seem to us true, and to decide to act responsibly in accord with our conscientious judgments, while remaining humble about the fallibility of our judgments and aware of our constant duty to correct our opinions with deeper insights and higher viewpoints.

For reasons such as these, I offer these reflections with thanks to many colleagues for things I learned at Valpo Law. I will get to Bruce Berner—Valpo's manic comic and best teacher—a little later. For now, I express up front my gratitude to Bruce, who was emphatically *not* a Yankee fan, but who taught me to respect Yogi Berra for a lot of things.

Yogi once invited a friend to his home in New Jersey, and offered a famous direction: "When you come to a fork in the road, take it." Once one is aware of the context of this text, Yogi's direction does not contradict the Frost poem at all. Yogi insisted he was just telling a friend he invited to his home that the last part of the road required one to turn to the right *or* to the left to get around a huge out-of-place mansion; once you did that, both branches conjoined on the road where the Berra's lived.

Two years after my own retirement from full-time service on the faculty, it is time for me to repeat the simple statement that Yogi made on his last day on the diamond: “I guess the first thing I should do is thank everyone who made this day necessary.” The list of those to whom I am indebted is very long, and I can refer only to a few explicitly by name in this memoir as representative of many colleagues and former students, whom I will always acknowledge with pride as “alumni/alumnae” of VUSL. Why so? Because we tried to treat our students as “alumni in residence” (with thanks to Dean Curt Cichowski for teaching me to think this way) and as future lawyers when these students were with us in Valparaíso.

Since I owe an enormous debt of respect and gratitude to many, I can state at the beginning of this memoir that my thanks are general. They embrace the desire of Lincoln in the Second Inaugural to live “with malice towards none and charity towards all.”

I must begin somewhere, so I state first my deep thanks to Kyle Farris and all his colleagues on the staff of the *Valparaíso University Law Review* who refused to allow the sad moment of the closing of VUSL to pass without an opportunity for many expressions of gratitude for so much good that has been achieved in the last 140 years of this truly great law school. I am especially grateful to Mr. Farris for extending to me a specific invitation to share my reflections on some of the amazing events that occurred during the past forty years since I first came as a guest to Valpo Law School in its centennial year and later returned in 1990 to serve on the law school’s remarkable faculty with women and men who have rightly cherished their roles as teachers, scholars, and colleagues.

B. A Roadmap for Paths Taken and Not Taken

This memoir offers a partial account of paths I followed in my life’s journey to and from Valparaíso. Part II addresses my first and second visits to Valpo Law. In 1979, I came to a major centennial event featuring Richard John Neuhaus’s lecture, *Law and the Rightness of Things* (1979). I called my written reply to Neuhaus on that occasion, *The Gospel in the Law*. A decade later—when I was a visiting scholar at Stanford Law School—I returned to Valparaíso at the invitation of Jack Hiller to offer some suggestions to the law faculty about their search for a new dean. Although not seeking this form of service, I accepted it when it was offered to me.

Part III focuses on encounters with new friends, on following the imperative of placing principles above personalities, and on recollections of many things I think we did pretty well at Valpo during the years in which I served on its faculty.

Part IV returns to poetry as a way of reflecting that this memoir is not just a chronicle of past events but an interpretation of the significance of these events for the present sad situation in which a sterling law school has ended its mission. The conclusion invites readers to count the blessings that have come our way from VUSL.

II. "WAY LEADS ON TO WAY"

The central metaphor of this memoir is that life is a journey on many paths or ways leading on to other ways. This portion of the memoir begins by filling in some details on where I was and what I was doing before coming to Valpo, first in 1979 and again in 1990.

At the Catholic University of America, I earned a J.D. and an M.A. in History and became "ABD" (all but dissertation) in Theology. I found myself at a crossroad, either to take a year to finish the dissertation for a Ph.D. in Theology or to accept a position in the Office of Attorney General Edward Levi in the U.S. Department of Justice (DOJ) immediately after the Watergate years. I chose the latter path.

When I accepted the job at the DOJ, I knew that I would meet superb lawyers who would influence my life in significant ways. One was Antonin Scalia, Assistant Attorney General for the Office of Legal Counsel, the same position that Chief Justice Rehnquist held in the Nixon administration and that Douglas Kmiec—a professor at VUSL from 1978 to 1980—held in the Reagan administration.

Two other Justice Department lawyers—Christopher Nuechterlein (J.D., VUSL, 1976) and Clare Nuechterlein (J.D., VUSL, 1979)—were Assistant U.S. Attorneys in the Eastern District of California, where Edward Levi's son David was the U.S. Attorney. I did not meet Chris and Clare at that time but at an alumni event in San Diego shortly after I became the dean of VUSL. They have always been models to me of how grateful alumni behave, with rigorous honesty and deep generosity.

A. *My First Trip to Valpo: Richard John Neuhaus and Jack Hiller*

The first time I came to VUSL was to take part in a university-wide celebration of the centennial of the law school. As an ecumenical officer, I had been engaged in dialogue with many Lutheran theologians, some of whom—Jaroslav Pelikan and Fred Niedner—were at VU. At that time, I lived nearby, teaching at Notre Dame Law School in South Bend.

Dr. Richard Baeppler, academic vice president, invited me to give a reply to Pastor Richard John Neuhaus's centennial address, which the *Law Review* published under the title, "Law and the Rightness of Things."

Curiously, the only one of my future colleagues that I met that day was Jack Hiller, who approached me after the whole event was concluded.

Therein lies a tale. About an hour after leaving South Bend earlier that day, my little VW bug—which had been having difficulties of various sorts—finally reached the point of economic unviability. The place in which my car gave up the ghost was Rolling Prairie, Indiana. It may sound lovely, but as a native San Franciscan who knows what a hill is, I was underwhelmed by the “hills” implied in “rolling” and in La Porte County’s lack of an infrastructure for public transportation of any sort. I left the car at a gas station and walked back to the side of the road with my little attaché case full of notes on law and justice. With more bravado than confidence I stuck my thumb in the air.

The first car that came along U.S. 20 pulled over. The driver asked where I needed to go. I told him “a place called Valparaiso, over in Porter County. The law school there is having its 100th birthday party today.” “I’m a Valpo alum,” he said; “I’m on the way to the same event.”

Sweet serendipity. Raw dumb luck. Sugar. Call it what you will. This fellow was the first Good Samaritan I had ever met, and right on time to get me to VUSL for the beginning of the festivities. Then he disappeared into the crowd and I never saw him again either that evening or when I came back to Valpo to join the faculty, but I am sure grateful that he got me to Valpo in time for the centennial event.

After the event came to an end, out of the blue, yet another Samaritan appeared. Jack Hiller came up to me and introduced himself as a member of the VUSL faculty and told me he’d like to continue the conversation over a drink. I told him my situation, and he immediately offered to drive me back to South Bend. For an hour that night we spoke with one another about our common interests in international law and our commitment at that early stage to an interdisciplinary approach to law, connecting it with anthropology, economics, history, literature, philosophy, and religion. We met serendipitously and became friends for life. Without this encounter, it is highly improbable that I would have ever come to Valpo again.

On that day in 1979 two complete strangers befriended me. In Jack Hiller’s case, I never forgot his name. He already had habits of the heart that others lacked. Jack stepped into the breach to get me back to my home in South Bend. I offered him a place to crash, but he declined with an explanation that seemed improbable but that I later discovered to be absolutely true: “I have to get back to Valpo tonight to feed the raccoons.”

Years later, in 2007, Dean Marie Failing—founding editor of the *Journal of Law and Religion* and one of our most distinguished alumnae—delivered a superb paper at a VU *Law Review* symposium. Marie

explained the views of Emmanuel Levinas, a Lithuanian Jewish philosopher who urged an ethic in which hospitality is necessary not only for an invited guest but also for a total stranger in need of help. Levinas, she noted, views hospitality not as courtesy or an optional gift but as an obligation or duty to be attentive to the needs of the other.

As I listened to her presentation, I recalled with gratitude those two Good Samaritans that I had encountered, now over forty years ago. Today, I recall with deep gratitude several colleagues at Valpo who opened their doors and hearts to me during the long period in which I was separated from my family in California. I think especially of Barb Crumpacker and Fred Niedner, Ingrid and Christoffer Grundmann, Linda and Sy Moskowitz, and Rosemarie and Richard Stith.

B. My Second Invitation from Valpo: Jack Hiller and Alan Harre

In 1983, my wife Áine and I moved from South Bend to Los Angeles, where I held the chair in constitutional law at Loyola Law School. Six years later, I was in residence at Stanford Law School when Jack Hiller reached me by phone. He wanted to know whether I could come to Valparaíso to consult with the law faculty about a failed dean search and what they might keep in mind in the next search. I told him I would be glad to help in any way he thought might be useful. We settled on a date, and I suggested a reading assignment, a short essay by Tom Shaffer about what we can learn about ethics from Atticus Finch, the central character in Harper Lee's famous novel, *To Kill a Mockingbird*.

When Hiller and I met for the second time, he brought me into a classroom and introduced me to the faculty. I spoke for about fifteen minutes about the qualities they should look for in any candidate for serving as a law dean. We spent the remainder of our time talking about their expectations of a dean and all sorts of practical things to consider in hiring a dean. Bob Blomquist offered a general comment that struck me as especially wise, that a faculty governs by behaving collegially. He compared faculty deliberation to that of most Parliaments, including our Congress.

I concluded the session by thanking these professors, wished them good luck in their search, and drove back to O'Hare in time to get the last flight to San Francisco.

To my great surprise, the next person I heard from in Valpo was Dr. Alan Harre, the president of VU. He said he wanted to talk to me about the deanship at the law school. I told him I had already done this with the law faculty. He told me he was aware of that meeting and said he wanted to chat with me on the phone for a while about my ideas of deaning. I said

OK and gave Dr. Harre a one-minute version of what I had said to the faculty the week before.

Dr. Harre told me he had read my reply to Pastor Neuhaus at the VUSL centennial and was relieved to see that there were some lawyers who understood the Reformation and who were not antagonistic to Lutherans. I told him Valpo was the most important Lutheran university in the country and that the Lutheran understanding of law needed more reflection. I also told him some thoughtful planning was necessary to determine what VU was going to do about this.

To my amazement, he turned my exhortation back to me and said that he wanted to hire me as the next dean of the law school at VU.

I was surprised because I had not indicated to anyone that I wanted to be a dean and certainly did not think I was being interviewed for a job. I told Dr. Harre that I was in Palo Alto and would discuss it with my wife right away. I also told him that I felt greatly honored by the confidence his law faculty had in me, and by his swift decision, but I didn't think this could work because my wife had just begun a tenure-track position. He gave me two weeks to consider the offer. I thanked him again and realized that Áine and I had to think carefully about a new turn in the road. Eventually, we decided that it was probably a good idea for me to accept the position at VUSL.

Thirty years after my first conversation with Dr. Harre, I recall another moment in Valpo history, in April of 1964, the dedication of the first Wesemann Hall (now the administration building near the chapel). Chief Justice Earl Warren gave the principal address on this occasion. He spoke convincingly of the need of lawyers to be grounded in scientific method. He also spoke eloquently, even poetically, of the search for transcendence and acknowledged as much need for seeking interrelations between law and religion as there is to conjoin law and science.

Religious leaders of church and campus were fully aware of a vital connection between law and religion and, more particularly, of a specifically Lutheran contribution to Western jurisprudence. In his sermon at the church service Pastor Oliver Harms—president of the Lutheran Church-Missouri Synod—noted that Valpo was the only Lutheran law school in the nation. VU president O.P. Kretzmann expressed the hope that the law school would “always be concerned with the highest wisdom and the most radical understanding of [human] rights” and that “its graduates will always be devoted to the principles of justice beyond all legal rules and precedents—that they will recognize the significance of true wisdom beyond the mere knowledge of the law.”

President Harry Truman is reported to have said that “always is a pretty long time.” When I first heard this quote, I thought it sounded like

something Yogi Berra might have said. I never imagined that Otto Paul Kretzmann's commitment of VU to Law and Gospel in its institutional arrangements would be so short-lived. Without this law school, I wonder, where else in the world may we expect scholars to test the truth or falsity of a distinctively Lutheran approach to jurisprudence?

III. THE ROAD FROM CALIFORNIA TO VALPARAISO

A. *Life as a Journey and Time as a Limit*

Sometimes people ask how I got from Stanford to Valpo. In *Exiles from Eden: Religion and the Academic Vocation in America* (1993), my colleague Mark Schwehn—Provost Emeritus of VU (Ph.D., Stanford, History)—has written an autobiographical account of his decision to leave a tenured position at the University of Chicago to accept a position at Valpo. He credits the Lutheran character of VU as a major reason.

The nutshell version of my own journey from Stanford to Valpo can be stated more simply. I rented a U-Haul for my books and stuff and hitched my VW to the back of the truck. I asked my sister Eleanor if she wanted to go along for the ride. She did, and we got on I-80 in San Francisco, and eventually got off at Chesterton and headed south to Valpo.

Ellie was a big fan of J.R.R. Tolkien, so as we crossed the country, we listened to *The Hobbit* on cassette tapes. *The Hobbit* is a tale of a courageous creature named Bilbo Baggins who is willing to risk all when summoned to set out on a perilous journey. At one point in the story, Bilbo goes off the beaten path and encounters Gollum, a horrible creature who could gobble up the Hobbit in a flash but is so committed to the polyvalence of words that he can't resist Bilbo's challenge to engage in interpretation by matching wits over riddles. After many exchanges of riddles Gollum offers Bilbo Baggins his toughest:

*This thing all things devours;
Birds, beasts, trees, flowers;
Gnaws iron, bites steel;
Grinds hard stones to meal;
Slays king, ruins town,
And beats high mountain down.*

In the moment in which I write this memoir, a fine law school has been devoured, swallowed up by the answer to this riddle: *time*. VUSL is about to run out of time.

At first glance, poems by Frost or tales by Tolkien may seem remote from the present difficulty, offering no comfort or counsel at all. Surely no one imagines that Valpo Law will reappear one day out of thin air. But

all texts—constitutions, poems, stories—require interpretation. Tolkien's tales of long and arduous journeys underscore that even in a moment that is bleak for everyone at VUSL, all of us who have spent years at Valpo have memories. I now share a few of my own memories.

B. First Friends at Valpo

My sister Eleanor and I rolled into Valparaiso on Saturday evening, June 30, 1990. On the following morning we worshipped with the Lutherans in the undercroft of the immense university chapel. After the service, two total strangers—Walt and Lois Reiner—approached us and invited us to dinner that evening in their home. The experience of table fellowship with these two hosts reassured me that no matter what else might happen in Valpo, I had met a couple in whom I could trust and rely because of scrapes they had endured in both the campus and the surrounding city over racial equality and justice.

Monday, July 2, 1990, was my first day on the job at VUSL. Mary Moore was the first executive secretary in the Dean's office. It was wonderful to see that her superb organizational skills and friendly manners would be the first experience a person would have if they were trying to reach me.

C. Bruce Berner: Manic Comic, Epiphenomenal Teacher, Excellent Counsel

Anyone who has experienced Bruce Berner in a Valpo classroom knows why our law school prized great teaching. I came to know him shortly after the phone call from President Harre offering me the deanship. Because Bruce was the Associate Dean for Academic Affairs, I sought his counsel in many conversations before I accepted the position. We formed a friendship and a level of trust that has lasted from those first encounters to this day.

Bruce is a very open person, willing to consider all sorts of things. This meant that we could try out ideas that were novel to VU without being slammed for thinking that way.

Many dimensions of Bruce's personality—attentiveness to detail, openness, and critical reflectiveness before reaching judgments—foster creativity and make new ventures more probable because downside risks have already been considered along with upside benefits.

At any of my many meetings with Bruce Berner, teaching always came into the conversation at one point or another. Everything about the law school that we ever discussed had an impact on maintaining and improving the quality of teaching and preparing students to be excellent

lawyers. These sessions with Bruce were an opportunity to learn something important about teaching from a master teacher.

Bruce used a conversational style that enabled students to have many Ah-Ha! moments in Valpo classrooms. There was no safe place to hide in any of Bruce's classrooms. If you showed up (why wouldn't you?), you were bound to laugh at several moments in his classes on torts or evidence. Bruce took full advantage of those moments of maximum attention—when everyone had just had a good laugh—to insert a hugely important point about the law that you would never forget in a bar exam or when advising a client years later.

Teaching is not easy. Great teaching is always an achievement demanding attention to the place students are coming from and the needs of their clients in the practice of law after they leave us. This was the constant goal of our law school. The devotion of all my colleagues to students was genuine, and each of my colleagues sought to enable our students to become good lawyers.

D. Community of Scholars and Students: Symposia at VUSL

No single person—including a president, a provost, a chairperson, or a dean—can single-handedly achieve significant progress in any college or university. In my life as a teacher and scholar I have been deeply influenced by the eminent Canadian philosopher Bernard Lonergan, who sums up the task of human understanding with four imperatives that apply to all of us: Be attentive. Be intelligent. Be reasonable. Be responsible. If you doubt this, just recall any moment in which you noticed you weren't really paying attention, trying to understand, searching for some reasonable explanation of reality, or taking decisive action to implement some value you truly cherish. Several events at VUSL turned us in the direction of a community of scholars and students of the law who took seriously all four of the Lonerganian imperatives.

The *Law Review* played a major role in several of these critical moments by publishing lengthy symposia on issues of great significance to the quality of our public discourse. I discuss only a few of these symposia that occurred while I served as dean of VUSL.

1. The Bill of Rights Yesterday and Today: A Bicentennial Celebration, *Valparaiso University Law Review*, Vol. 26 (Fall 1991)

In 1991, the nation celebrated the Bicentennial of the adoption of the Bill of Rights, the first ten amendments to the Constitution of the United States, ratified on December 15, 1791. Most American colleges and universities hosted an event celebrating this major milestone in American

constitutional history. Typically, however, these celebrations were limited to a one-day symposium on the First Amendment or only one of the civil liberties enumerated in that amendment. At VU, by contrast, the law school led a campus-wide project to organize and stage scholarly discussion of all provisions of all ten amendments.

In my first year at VUSL, Dr. David Truemper – chair of the Theology Department – led a cross-disciplinary committee of faculty and staff focused on choosing the best persons to invite to our campus and the most effective way of fostering nonpartisan dialogue on important constitutional themes that affect all of us. By spring break of 1991, all the invitations were in place. We received a grant from the Lilly Endowment to cover travel expenses and hospitality for the scholars, and a publication subsidy to cover the costs of printing a special issue of the *Valparaiso University Law Review* containing most of the papers at the weekly celebrations held in Wesemann Hall.

To our great delight, not a single scholar we invited turned us down. Distinguished scholars commented on each text and related past commitments to current difficulties. A comprehensive list can be found both on our *Law Review's* website and published in Volume 26, Issue 1. Some notables include William J. Brennan, Thurgood Marshall, Randall T. Shepard, and Tracey Maclin (reprinted in this Tribute as one of *Valparaiso University Law Review's* "Greatest Hits"). All sessions were open to the public, and a broad swath of the civic community engaged in thoughtful discussion and debate with the scholars we assembled.

We promised the staff of the Lilly Endowment that we would use prudently the publication subsidy in the grant to achieve wide distribution. They were mightily impressed when they saw what we meant. This special issue of the *Valparaiso University Law Review* was mailed to the Justices of the Supreme Court of the United States, to every federal circuit judge and district judge in the country, to the chief justice of the highest appellate court in every state of the country, to all members of Congress, to all fifty governors, and to the majority and minority leaders of both Houses of forty-nine state legislatures and of the Nebraska unicameral.

The final day of the gatherings to celebrate the bicentennial of the federal Bill of Rights was a public event on Sunday, December 15, 1991, the anniversary of the ratification of the Bill of Rights by Virginia in 1791. The Chapel of the Resurrection was filled to capacity. John Stephen Paul – Chair of the Theater Department – casted and directed a dramatic reading of the document. We heard or sang stirring hymns and songs. The Honorable Randall T. Shepard – Chief Justice of the Indiana Supreme Court – delivered a thoughtful reflection on the growing sophistication of

the jurisprudence of state constitutional law. The Valparaiso Fire Department lit up the crisp and clear winter sky with a spectacular blast of fireworks at the end of the ceremony.

Justice William J. Brennan addressed the theme of State Constitutional Law in an article he allowed our *Law Review* to republish. Justice Thurgood Marshall also allowed our *Law Review* to publish an address in which he explained why he declined to join in the bicentennial celebrations of the original federal constitution in 1987: the original text was the instrument of sustaining the buying and selling, lashing and killing of African Americans and was not yet a document of the protection of the laws and the franchise for African-American males. Many alumni of VUSL were thrilled to see comments on our Constitution by two Justices published in the pages of our *Law Review*.

Professor Akhil Reed Amar is the Sterling Professor of Law and Political Science at Yale Law School and one of America's most prolific and creative interpreters of our Constitution. In 1998, Professor Amar delivered the Seegers Lecture at VUSL. He began by paying public homage to Valparaiso University for being the only university in America to celebrate in the Bicentennial year of 1991 the entire set of amendments that we call the "first Bill of Rights" and to include the powerful insight of Justice Thurgood Marshall that no analysis of the American Constitution can ever be comprehensive without serious focus on the "second Bill of Rights" or "Civil War Amendments" adopted between 1865 and 1870. Amar's well-deserved praise of constitutional awareness at VUSL was not only a generous statement in 1998 but also remains a challenge to all of us to act with courageous responsibility to sustain our republic in another moment of grave difficulty today.

2. Professionalism in the Practice of Law: A Symposium on Civility and Judicial Ethics in the 1990s, *Valparaiso University Law Review*, Vol. 28 (Winter 1994)

In 1992, the Seventh Circuit adopted Rules on Civility. We brought the entire 1L class to Chicago to hear a superb presentation on civility by Herb Stride (J.D., VUSL, 1957), one of Valpo's finest trial lawyers, and from the Honorable Marvin Aspen, the federal district judge who organized and administered the Civility Project. The editors of the *Law Review* focused on these new Rules on Civility, organized a superb symposium, and published the articles in Volume 28 of the *Valparaiso University Law Review*.

3. First Women: The Contribution of American Women to the Law, *Valparaiso University Law Review*, Vol. 28 (Summer 1994)

In 1893, the State of Indiana admitted Antoinette Dakin Leach to the practice of law. A hundred years later, the State celebrated the centennial of this breakthrough. In 1993, VUSL celebrated many of our alumnae and other distinguished women throughout the country who were still achieving the status of “first women in the law” a full hundred years after Indiana had admitted Leach to its bar. Toward the end of the spring semester in 1994, we held the last of several sessions around the country honoring the career of Justice Sandra Day O’Connor as the first woman to serve as an Associate Justice on the Supreme Court of the United States. Justice O’Connor graciously agreed to come to our campus to deliver a short address and meet our faculty, students, and alumni. She personally greeted hundreds of us on that memorable day.

Professor Rosalie Levinson did the honors of introducing Justice O’Connor. Rosalie communicated empathy and solidarity in narrating the shocking story of bias against the Justice. Another Arizonan, William H. Rehnquist, graduated first in his class at Stanford Law School. He went on to clerk for Justice Robert Jackson; to serve as Assistant Attorney General for the Office of Legal Counsel in the DOJ during the Nixon years; then to serve as an Associate Justice on the Supreme Court and finally as the sixteenth Chief Justice of the Supreme Court of the United States. In sharp contrast, his classmate Sandra Day was deemed to have graduated “second” in the class—by a fraction of a decimal point in her GPA—but could not find gainful employment as a lawyer anywhere in Northern California.

Rosalie radiated immense joy when she concluded her elegant introduction to O’Connor’s jurisprudence on equal protection and gender discrimination and then asked all of us filling that magnificent space to stand to welcome the first woman to serve as an Associate Justice of the Supreme Court.

When Justice O’Connor reached the lectern, she said, “Thank you, Professor Levinson,” but her words were drowned out by a continuing wave of applause. She told me afterward that even though she served in elective office before becoming a judge, she had become accustomed to applause but was always embarrassed by it. She said that Rosalie really stirred everybody up, and she found it difficult to get our crowd to stop applauding and just let her say a few words about the theme of the day.

Justice O’Connor contributed the *Foreword* to a special symposium issue on “First Women in the Law,” which is reprinted in this Tribute as part of *Valparaiso University Law Review’s* “Greatest Hits.”

No marshal had to say, “All rise.” Everyone did so spontaneously and started applauding again. When they sat down, I took care of one

more item of business: to commend Rosalie Berger Levison for being the first woman to achieve the rank of tenured Professor of Law at VUSL. Again, spontaneous standing applause resounded throughout the chapel.

In 1993, President Clinton nominated Circuit Judge Ruth Bader Ginsburg to join O'Connor as the second woman to serve as an Associate Justice on the Supreme Court. I describe below the enrichment that Justice Ginsburg and Marty Ginsburg—her partner in life and in many of the landmark cases that she litigated—brought to our study abroad program in Cambridge. At this point, I need only note with deep gratitude that in 1971 Ginsburg—then a law professor at Rutgers University—had published a prescient comment, *Treatment of Women by the Law: Awakening Consciousness in the Law Schools*, in Volume 5 of our *Law Review* discussing the need for law schools to be more aware of the law's treatment of women.

I am also grateful that in the busy moment of her own transition from the U.S. Court of Appeals for the D.C. Circuit to the Supreme Court in August of 1993—when the Justices face the immense task of reviewing the huge stack of cert petitions that accumulate each summer—the new Justice took time to gather and submit reflections for our *Law Review's* Volume 28 symposium issue, *First Women*. Justice Ginsburg's reflections, *The Progression of Women in the Law*, were published in the *First Women* symposium issue alongside Justice O'Connor's *Foreword* (noted above). The two pieces written by Justices O'Connor and Ginsburg can be found reprinted in this Tribute issue, side by side once again, spearheading the list of "Greatest Hits" published by the *Valparaiso University Law Review*.

E. *Building a Great Museum to Stimulate Greater Awareness of the Responsibility of the People to Protect the Constitutions "To the Best of Our Ability": National Constitution Center, Philadelphia*

Valpo Law promoted constitutional awareness not only through its symposia but also by my modest role as Director of Content at the National Constitution Center (NCC) in Philadelphia. Congress supported the creation of this museum by granting the NCC a federal charter and by contributing seed money for the project. I hope that all who read this memoir will have an opportunity to visit this superb museum. Or if you can't do this, all alumni of VUSL can and should renew their energies to contribute to healthy debate about our Constitution. This sort of civic responsibility and commitment to democratic participation and republican virtue has surely been something that Valpo Law did well with very talented teachers such as Ivan Bodensteiner, Geoff Heeren, Jack Hiller, Douglas Kmiec, Rosalie Berger Levinson, JoEllen Lind, Sy Moskowitz, Jeremy Telman, and Burton Wechsler.

F. Interdisciplinary Scholarship

VUSL had many faculty members who were also interdisciplinary scholars. For example, Jack Hiller was deeply interested in Literature, especially Poetry. Jack also had a deep abiding interest in Africa and Asia. Along with Bob Blomquist and Richard Stith, he organized a study abroad program in the first program of VUSL in China. Along with Mary Persyn and Paul Brietzke, Jack served as co-editor of the *Journal of Third World Studies*, published from VUSL.

Paul Brietzke had both a J.D. from the University of Wisconsin and a Ph.D. in Economics from the London School of Economics and Political Science. His dissertation was on the coup d'état that ended the rule of Emperor Haile Salassie in Ethiopia. When Paul died, our *Law Review* published a tribute to Paul that illustrates his constant interest in Africa and Asia. He and I spoke often about the Vietnam War. In the last decade of Paul's life, he served in Vietnam to coordinate and oversee development projects funded by the U.S. Department of State.

Zachary Calo is a prolific scholar in the field of law and religion with a J.D. from the University of Virginia School of Law and a Ph.D. from the University of Pennsylvania in 2005. He is also a candidate for a second Ph.D. from the University of Virginia. He was with us at VUSL for seven years between 2007 and 2014. Zach is one of the pioneers who has forged communications with Muslim scholars around the world and is now a professor of law at the College of Law in the Hamad Bin Khalifa University in Doha.

JoEllen Lind joined our faculty in 1991. When the recruitment committee spotted her C.V. on the list of applicants seeking positions in law schools, it jumped off the pages of the AALS book. Lind has a B.A. from Stanford and a law degree from UCLA, and she had just completed all the requirements for a Ph.D. in Philosophy, except for her dissertation. Like me, she was an "ABD." JoEllen never lost interest in philosophical matters and often taught a course on jurisprudence. When she and Richard Stith held an open dialogue on abortion, they filled the largest room in the law school. They were ideal partners in conversation, listening carefully and attentively, answering clearly and respectfully. They offered our community a model for how to approach controversy.

Richard Stith received both a J.D. from Yale Law School and a Ph.D. in Religious Ethics from Yale University. For years, he and Jack Hiller taught a section on jurisprudence, in those days a required course. When I started going out on the road to meet alumni, I would often be asked if I knew what an alumnus thought was the most useless course he had taken at VUSL. I would always say, "No. What course?" The alum would inevitably say, "Jurisprudence." Then the same alum would ask if I knew

what he thought was the most important course he had taken at VUSL. Again, I'd say, "No. What course?" And the alum would smile and say, "Jurisprudence. Give my fond regards to Dr. Stith." When I passed along the message to Richard, he'd smile too. He is a very patient soul.

Jeremy Telman has a Ph.D. in Philosophy from Cornell (1993) and a J.D. from NYU (1999). Jeremy is a fully charged spark plug ready and able to help his colleagues grasp deeper insights and correct prior misunderstandings. He is an eager beaver who diligently assembled articles or selected books for us to read and discuss. His leadership was valuable even when we did not comprehend everything we read. His search for the common good extended beyond the walls of the law school to the civic community of the City of Valparaiso and Porter County. He and his colleague Elizabeth Lynn often staged excellent panels to hear many perspectives on timely issues and discuss these issues freely in a forum open to all comers. And who can fail to appreciate Jeremy's constant delight in the work of "my wife, the poet" and in the sparkle of his limericks to spice up his classes?

G. Expanding Horizons: Programs in Comparative and International Law and the London-Cambridge Program

The American Bar Association requires programs abroad to take advantage of the place in which instruction occurs to emphasize comparative perspectives on the subjects we teach. My colleagues took this mandate very seriously, building a comparative or international dimension into each course they taught in various programs in China, London-Cambridge, and Santiago-Buenos Aires. Every time we came up for inspection by the ABA, the accreditors were very impressed at the quality of our immersion in the local culture and of our commitment to comparative and international law.

1. Justice Antonin Scalia on Separation of Powers

Paths I followed earlier in my life converged later in my life at VUSL. Antonin Scalia and I served in the Justice Department during the tenure of Attorney General Edward Levi. Then we both wound up in the Midwest, Scalia at the University of Chicago Law School and I at Notre Dame. In his first visit to Cambridge in the summer of 1993, Scalia delivered several stimulating classes on separation of powers, exploring cases on presidential authority over appointments of close advisors in the Cabinet or noting limits on presidential firing of an administrative official who functions, in part, in a judicial capacity. Scalia emphasized that the

president has considerable authority, but is not a king or emperor with limitless power.

2. Lord Harry Woolf on Comparative Constitutionalism

“Way leads on to way” is a critical phrase in the structure of Frost’s poem, *The Road Not Taken*. In this memoir, it also underscores that our past experiences inform our present insights. The Scalia visit to our Cambridge program led to further enrichment of our program in the United Kingdom. Scalia was inducted as an honorary “Bencher” (or member) of the Inner Temple, one of the four Inns of Court in London that have been training barristers (trial advocates) in England for centuries. On this occasion, he met Lord Harry Woolf, also a Bencher of Inner Temple. Lord Woolf was one of the ten members of the House of Lords who, at that time, served as the final appellate tribunal of all cases in the United Kingdom. He subsequently served in various roles, including Lord Chief Justice, or head of the judiciary of England and Wales.

A chance encounter (are there any “accidents” in life?) with Lord Woolf made our faculty and students in all the summer programs afterward the beneficiaries of his office in arranging visits to the Parliament and the courts. In 2015, the 800th anniversary of *Magna Carta*, Valparaiso University conferred the degree of Doctor of Law Honoris Causa on Lord Woolf in gratitude for decades of generous hospitality and learned conversation with our students and faculty in London.

3. Justice Ruth Bader Ginsburg on Gender Equality

Ruth Bader Ginsburg is now renowned as “Notorious RBG” as a result of the book and documentary film on her remarkable career. We were lucky to be introduced to Justice Ginsburg by her fellow Associate Justice Scalia. Despite opposing views on many issues, Scalia and Ginsburg became close friends when they both served on the U.S. Court of Appeals for the D.C. Circuit. In 1995, VUSL students had the privilege of meeting Justice Ginsburg and her husband, best friend, and congenial legal collaborator, Marty Ginsburg, in the Cambridge program. Both Ginsburgs teamed up with Professor Levinson in a discussion of the litigation strategy that led to a major shift in constitutional analysis: adding gender discrimination to the list of concerns that federal courts must deal with in analyzing equal protection.

Justice Ginsburg told us the now famous story of the utter inability of Erwin Griswold—then dean of Harvard Law School (HLS)—to comprehend why Ginsburg and a half dozen other 1Ls, who were the first women admitted to HLS, were occupying a seat that a man might have.

He said that he could not imagine what any of them might ever do with a law degree. At first we cringed as she retold the tale decades after the event. Then, we all noticed that the Justice had concluded her work with us with a gentle smile on her face. Nothing more needed to be added. We all stood and applauded the graciousness of the victory of the “Notorious RBG” in her advocacy of equality of all persons – women and men – both as a litigator and a Justice.

Justice Ginsburg and her husband Marty did a repeat performance for us. In 1997, they came again to Cambridge to engage our students on the consequences of attentiveness, intelligence, reasonableness, and responsibility on gender discrimination.

4. Chief Justice William H. Rehnquist on Supreme Court History

In May of 1995, Chief Justice Rehnquist received the degree of Doctor of Laws Honoris Causa and delivered the commencement address to our graduates. Sometimes commencement speakers move from one lofty platitude to another. Not Chief Justice Rehnquist. He did not state his views on constitutional law but spoke from his experience, and from the heart, to the graduates about their lives that were about to unfold as lawyers and as human beings. If you want to be inspired by a great moment in the history of VUSL, look up “Rehnquist Valparaiso Commencement Address” and watch that splendid moment on C-Span.

Two months later, the Chief Justice served as principal lecturer at Trinity College, Cambridge, in a program cosponsored by VUSL and Tulane Law School. Rehnquist delivered an hour-long lecture each day, followed by a half-hour conversation in which he responded carefully to questions related to the subject of his lectures. Our students were grateful to receive an autographed copy of his book, *The Supreme Court*.

5. Justice Clarence Thomas on Institutional Injunctive Relief

In 1996 Justice Clarence Thomas accepted our invitation to serve as a guest professor, and he chose the subject of injunctive relief in major constitutional cases, such as *Brown v. Board of Education II* (1955) (announcing the standard of “all deliberate speed” for implementation of the decree in *Brown I*, banning racial discrimination in public schools (1954)). We had a full classroom in the Law Faculty Building of Cambridge University, and many law professors and law students of this ancient university were in attendance.

If every professor were as thoughtful as Justice Thomas was in putting questions to students in the first class he had ever taught, as attentive in listening carefully to the responses of a student, as dynamic in seeking

other views, as phenomenal in remembering the names of the students and who had said what, law schools all over the world would be very lively places indeed. In his maiden voyage as a constitutional law professor, Justice Thomas far exceeded our expectations. Two students who signed up for the course with deep reservations about the Justice became his friends at Cambridge. To the best of my knowledge, they still exchange newsy Christmas cards.

That evening, we hosted a reception for Justice Thomas and his wife, Virginia, on a porch of Trinity College just in front of the glorious library designed by Christopher Wren. The Justice interacted graciously with our students and with Cambridge dons. His wife—also a lawyer—was equally generous with women law students from Valpo in describing the difficulties of navigating two professional careers in a single marriage.

6. Justice Antonin Scalia on Originalism

In 2007, the late Justice Scalia returned to our program in Cambridge. My invitation to the Justice was straightforward. He and I would have a public conversation about interpretation. I would go first and say, in Part I, what I admire about his work, including his general deference to legislative process; and in Part II, I would indicate what I think is problematic in Scalia's approach to interpretation of texts. Then he would reply and would have an opportunity to correct any errors he found in my analysis and offer reasons for accepting his approach to interpretation as a sounder or better way of reading texts and applying them to disputed facts. Then, time for further clarification and discussion with the group. Scalia loved the idea, and we fixed a date in July.

The model for this event was not the typical debate format but the public conversations that Justices Scalia and Breyer frequently engaged in at law schools in DC. Justice Breyer and I have known one another since childhood days in San Francisco, but I am neither a judge nor a peer of either Justice. So I took a lot of time to prepare for this event.

I approached my task with lots of respect for a very famous judge and read dozens of Scalia's opinions. In Cambridge, I suggested that Scalia's jurisprudence on religious freedom is not well grounded in history. I also criticized Scalia's curious departures from the text of the Constitution in his Fourteenth Amendment jurisprudence and criticized the Court's overlooking of the enforcement clauses in the three Civil War amendments.

Scalia urged our audience on that occasion not to be fooled by my admiring comments in Part I. I was genuinely surprised that he was so strong in rejecting the historical critique I offered in Part II.

On that occasion, VUSL brought this valuable discussion to the law faculty of one of the oldest universities of the world. We need never apologize to the American Bar Association or anyone else for doing so.

7. “Brush Up Your Shakespeare: Start Quoting Him Now”

I cannot say farewell to VUSL’s London-Cambridge program without noting the omnipresence of William Shakespeare. Each year, our students saw productions of his plays at Shakespeare’s Globe in London, the Royal Shakespeare Company in Stratford upon Avon, or one of the plays performed in various colleges of Cambridge in their pleasant sojourns in this delightful place.

Clare Nuechterlein regularly taught a seminar on Shakespeare and the Law at Valparaiso and offered this as a course in the Cambridge program twice. Her insights invited searching inquiry by her students into deeper dimensions of fairness and justice addressed powerfully by the Bard of Avon, who frequently addressed the recurring problem of unequal access to justice.

Looking back at the VUSL program that enriched so many law professors and law students from 1991 to 2017, all I can now say is what a loss that this approach to comparative constitutionalism and to transnational regard for the rule of law has now come to an abrupt halt. What a further loss to the faculty of the other colleges of the university that they will no longer have the experience of rethinking their areas of special concern in Cambridge. And what a still greater loss to legal education in this country that after 140 years, VUSL soon will be no more.

H. Federal Judges and VUSL

Apart from the extraordinary enhancement of our Cambridge program by the lectures of Supreme Court Justices, yet another Chief Justice and several federal judges also enhanced our law school with their presence. As noted above, in April of 1964, the dedication of Wesemann Hall—the new law school building, then adjacent to the University Chapel—was attended by 1800 “special guests,” including Chief Justice Earl Warren and Secretary of State Dean Rusk.

Dean Peter McGovern initiated a practice of inviting a “Distinguished Jurist in Residence” to spend a short visit at our law school, holding a session with the faculty about their approach to jurisprudence and an advanced seminar with several honors students. The first to participate in this program was the Honorable Luther Swygert (1905–1988), former Chief Judge of the U.S. Court of Appeals for the Seventh Circuit and father of Michael Swygert (J.D., VUSL, 1966). Mike was a member of our faculty

from 1969 to 1972 and is the author of *“And, We Must Make Them Noble”: A Contextual History of the Valparaíso University School of Law, 1879–2004* (2004). Other judges who served as a distinguished jurist include the Honorable José Cabranes (Second Circuit), Honorable Guido Calabresi (Second Circuit), Honorable Kenneth F. Ripple (Seventh Circuit), and Honorable Hubert L. Will (Northern District of Illinois). The Honorable Andrew P. Rodovich served as a United States Magistrate Judge for the Northern District of Indiana, and he served as a distinguished jurist in residence at VUSL and taught a course in Evidence.

Two federal circuit judges—José Cabranes and John T. Noonan Jr. (Ninth Circuit)—received an honorary degree for their labors as distinguished federal judges.

The Swygert Moot Court competition was named for Judge Luther Swygert and began in 1990. It continued in each academic year down to the fall semester of 2018. Every year, distinguished federal and state judges participated in this competition. For a full list of federal and state judges who have participated in this major event, see Appendix B that follows this memoir.

I. State Judges and VUSL

Many Indiana state judges have also been a constant presence on our campus. Both the Supreme Court of Indiana and the Indiana Court of Appeals scheduled oral arguments at our law school from 1990 to the present. Members of both courts regularly sat in the judicial panels that evaluated the final round of the Swygert Moot Court. For a list of state judges and justices who served on this prestigious panel, see Appendix B. State judges have supported the mission of VUSL in other ways as well. I offer several examples.

1. Chief Justice Randall Shepard

There were many ways in which Chief Justice Randall Shepard was warmly supportive of VUSL. As noted above, he gave a superb address to conclude our extended celebration of the bicentennial of the first ten amendments to the Constitution of the United States. On that occasion, the chief justice focused on the profound significance of the first major amendment of the federal Constitution.

Chief Justice Shepard also inherited a decision that declined to assist representation of persons who cannot afford to pay a fee to a lawyer. The court adopted a new rule enabling support to a variety of lawful projects such as assisting with costs of litigation on behalf of poor persons and educational projects at law schools in Indiana. Under this rubric, the court

funded a lectureship at VUSL that regularly brought fresh perspectives on state and federal constitutional law to the attention of our community.

2. Justice Robert D. Rucker

First, a word about the alumni of VUSL. From a Good Samaritan who picked me up on Highway 20 and brought me to Valpo back in 1979 to the last student to graduate from our law school next May, I have met an amazing group of lawyers who were well-trained by VUSL. I think, for example, of John Bouman (J.D., VUSL, 1975), the energetic CEO of the Shriver Center on Poverty Law, a nonprofit that has effectively translated, through statutes and litigation, the conviction that child poverty in the richest nation in the world is disgraceful and must be ended. Or Kim Ferraro (J.D., VUSL, 2007) Director of Agricultural Policy at the Hoosier Environmental Council, which is committed to using science-based facts to shape intelligent bipartisan policy relating to serious problems in Indiana that won't go away with inattentive slogans or bully-boy politics.

This entire memoir could have focused exclusively on such examples from the thousands of Valpo lawyers who have served with great distinction in their profession. In order to include other aspects of the story I tell here, I offer only a few more alumni who will have to stand in as representative models of thousands of extraordinary lawyers doing truly marvelous things with their Valpo Law degree.

I take justifiable pride in all alumni of VUSL when I mention Robert D. Rucker (J.D., VUSL, 1976). Maybe "pride" might not be the precise word to describe my feelings for this distinguished alumnus. It's no doubt true that pride can be a "deadly vice," but that's only when a person is full of himself, stuck-up, self-important, and rude. Robert Rucker is none of those things. He is the very opposite of the arrogant and haughty fool associated with the proverbial warning that pride precedes a fall (*Proverbs* 16:18). Bob Rucker is sweet, courteous, affable, and downright pleasant to be with. So I can justly take pride in the career of this great Valpo alumnus because he represents splendidly the calling of a Valpo lawyer to be attentive, intelligent, reasonable, and responsible.

Bob Rucker served his country in the Vietnam War with distinction and honor, for which he was awarded the Bronze Star Medal and the Purple Heart; he was also inducted into the Indiana Military Hall of Fame. He got a law degree from VUSL on the GI Bill. He served the people of East Chicago and Gary with as much distinction and honor as he did when he was a soldier, but now with his pen, not a gun. He became the first African American to serve as an appellate judge in Indiana. When Bob asked me to speak at his induction to the Supreme Court of Indiana in 1999, I was thrilled to do so. At the end of my remarks, I used the two

words a marshal does to call people to order in a court: “All rise!” Even the four justices did so, trusting that what was to follow would be OK. I told everyone in that courtroom it was time to sing. We tore the roof off with “My Country, ‘Tis of Thee.” Then Bob Rucker joined that court.

Having seen what the Supreme Court lectureship at Valpo could do, Justice Rucker decided to fund a separate lectureship at VUSL that focused more sharply on the great command of equality embedded in both the federal and the state constitutions. The contributors to the Rucker lectures often helped us to understand what equality looks like by giving us a very honest view of what gross racial and gender-based inequality look like. The justice’s gift was a very generous and practical way of paying back the law school he loved for training him to become the learned judge that he is.

3. Judge William Conover

We also owe a large debt of gratitude to Judge William Conover (J.D., VUSL, 1976), who served on the Indiana Court of Appeals from 1981 to 1993. As with Judge Rucker’s handling of appellate cases, Conover’s style was marked by a similar simplicity that made it easy for another judge or lawyer to see why the court had reached a particular result. Judge Conover lived his life of public service as a judge who sought and prayed, as King Solomon did, not for riches or power or treasure or fame but only for wisdom and knowledge (2 *Chronicles* 1:11-12).

“Way leads on to way.” My candid words of well-earned praise of a very decent judge upon his retirement led Bill Conover Jr. — an art dealer in Europe at the time — to help VU to negotiate a loan of major paintings from the permanent collection of the National Museum of Art, Romania. In 1996, Diane De Grazia — a renowned art historian then at the National Gallery of Art — selected the paintings and curated the show, which went on a national tour of the United States, beginning at the newly dedicated Brauer Museum of VU.

J. *When the Law Gives You a Lemon, Make Lemonade: Music and Theatre as Aids to Building Community*

In 1996, Congress cut federal funds for clinical education in law schools. To my knowledge, no law school, including VUSL, cut back its commitment to train students in clinics or to serve the legal needs of those who could not afford to pay a fee for services. We invited the local civic community to a Black-Tie-Optional dinner and show in the campus theater, promising that 100% of their contributions (after the costs of the dinner) would be spent on needs of the poor in the three counties of

Northwest Indiana: Lake, LaPorte, and Porter. The decision to produce a play with cast and crew from within the law school community meant that faculty, staff, and students became equal partners on the stage. We gave two free shows for the local campus community and used the third performance to educate the local community about the needs of poor people among us. Those who could afford more than the cost of a ticket contributed according to their ability. Subsequent cultivation of one such donor led to major renovation of Heritage Hall, one of the first buildings on the campus, and now the last place to function for a few more months as the VUSL.

On February 29, 1996, (the date matters!) we performed Gilbert and Sullivan's *Pirates of Penzance; Or, the Slave of Duty*. Because we were raising money for a law clinic, we highlighted that the opera is about contract law. Query: if a contract states that employment is required "until a servant's 21st birthday," how long is that if *Frederick was born on February 29*? Do the arithmetic! 84 years! Laura Gaston Dooley starred as Mabel, daughter of Major General Stanley. Bruce Berner was "the very model of a modern major general." I played the King of the Pirates, and our computer guru, John Obermann, played "young" Frederick.

In 1997, we staged *H.M.S. Pinafore*. Laura Dooley was Josephine, the Daughter of Captain Corcoran, ably sung and performed by Bruce Berner. I was the Rt. Hon. Sir Joseph Porter, First Lord of the Admiralty. In our version of *Pinafore*, the faculty, staff, and student body of our great school again sang to save legal services to the poor. And we had fun raising funds to make up for what Congress had needlessly cut.

K. *Special Thanks to a Few Professors*

Each of my colleagues brought a lot to the VUSL table as gifted teachers. Appendix A lists all the members of the Valpo Law Faculty and the staff members whose names we could trace. The list of those to whom we owe a debt of gratitude is long. Out of dozens of colleagues who have shaped my life at Valpo, I comment only on a few of them as representative signifiers of deep resources of our faculty as teachers and as well-rounded persons.

Before commenting specifically on a few of my colleagues, I express deep gratitude to a special group of people without whom no law school can function at all, let alone thrive, as a place of learning and scholarship: the librarians. Mary Persyn, Emily Janoski-Haehlen, and Steve Probst were all superb choices as Associate Deans for Library Services. They grasped well the needs of professors and students to have access to primary and secondary sources about the law and related disciplines. The Library staff was cheerful and efficient in tracking down materials my

colleagues needed for their research. And they understood the implications of the digital revolution as it affects the lives of lawyers. Sometimes our colleagues would receive national recognition for their outstanding work as librarians. Whenever that happened, the news of an award of this sort was welcome, but unsurprising. To all of them from all of us—faculty and students and alumni—I express deep gratitude.

1. Penelope Andrews

Penelope Andrews is one of the most exhilarating colleagues we ever had at VUSL. She is sharp as a tack, suffering fools more graciously than they deserve, without ever yielding to their folly. Penny's capacity to differentiate between oppression and oppressors left her plenty of freedom to challenge oppression without being distracted by dubious nasty battles with blind oppressors. Luckily for us, she connected Valpo with a formidable array of human rights advocates who are among her closest friends. She has returned to South Africa to serve as Dean of the Law Faculty at the University of Cape Town.

2. Derrick Augustus Carter

Derrick Carter is a Valpo graduate who became a superb appellate defender for decades and then a sparkling colleague at VUSL. He spent his first year back at Valpo living in my home. We were sometimes called "the odd couple." Derrick did so much to raise the bar to make VUSL graduates well-qualified in the practice of criminal law, including the creation of a course on forensics. In 2015, several 3Ls invited the odd couple to the Barristers' Ball, the year-end dance honoring 3Ls about to graduate and become Valpo lawyers. We decided to tone up the event by wearing tuxedos to emphasize our "blackness" and "whiteness." And we wore not badges of our slightly different chocolate and creamy skin—the epidermal difference—but oversized name tags identifying us as representatives of two members of our Supreme Court. Derrick went as Justice White. I went as Justice Black.

3. Laura Gaston Dooley

Laura Gaston Dooley is special to me because we joined the VUSL faculty in the same year of 1990. She was an instant hit in the classroom. And within a year, she was off on a roll with excellent scholarship. Laura was the organizing genius behind the sound of music at VUSL, and she was the star of all our shows. She hosted excellent Oscar parties and was our main link to the most vibrant city in the world—New York, New York—the city New Yorkers love so well they name it twice.

4. Rebecca Huss

I came to know Rebecca Huss as a very effective teacher about corporate governance and partnerships because of the custom at Valpo that tenured faculty regularly visit classes of the younger, non-tenured colleagues. We explain this custom as our way of making sure that the younger professors know how to teach. I suspect that it had as much to do with requiring tenured professors to take short refresher glimpses at things they hadn't thought of in years. I never did unannounced visits. I got the assignments from the professor and read the material for each class. I noticed that Rebecca dished up portions of materials in more manageable chunks than I did. And I loved the way she connected one theme of a course to other aspects of the course. Rebecca also has an immense love for all creatures large and small. When the news broke that a quarterback for the Atlanta Falcons had abused several dogs, we were completely unsurprised that the court handling this sad case appointed Rebecca as the special master so that the dogs would be well looked after during and after the court proceedings.

5. Robert Knowles

No one illustrated the reciprocal benefit that resulted from senior faculty monitoring younger professors in the classroom better than Robert Knowles. And my monitoring of Rob's classes was nothing in comparison to the enormous benefit of team-teaching a course that arose by virtue of a scheduling error by the registrar. The registrar assigned two courses we taught to the same days and hours on the calendar. Each had done well in enrollment, but the scheduling meant that neither class had enough students, so the registrar cancelled both my course on *International Humanitarian Law* and Rob's on *National Security Law*. I invited Rob for a cup of coffee and within a half hour we had read one another's syllabus and decided to make a few creative adjustments and team teach a course combining the major components of each course into one course. We sent out an email to all students who had registered for one or the other. Within an hour everyone responded that they were delighted to learn of our willingness to teach both courses together. I learned a lot not only from Rob's sparkle but also from his frequent outlining and repeating at the beginning of a class what we had learned in the last session.

6. Faisal Kutty

Faisal Kutty is a Canadian barrister who enhanced our course offerings enormously by virtue of his awareness of Islamic law and his

calm, reasonable approach to national security issues. Faisal reflected the highest standards of reflection on human rights grounded in a careful reading of the *Qur'an*. He has been an essential ingredient in our commitment to equality and respect for one another at VUSL, especially after Deans Jay Conison and Mark Adams did so much to recruit students from Muslim countries (primarily Arabs, Kurds, and Asian Muslims).

7. Sy Moskowitz

Sy Moskowitz is like a rabbi to me. Early on in my sojourn in Valpo he taught me that I needed a Hebrew name. In my Irish Catholic family, who knew? He told me the first letter matters. For example, S as in Seymour, his Hebrew name is "*Simcha*." A perfect description of his personality, his Hebrew name means "joy," which Sy possesses even in the face of adversity. I did not accept his suggestions: *David* or *Melek* ("king") because I do not think a dean is a boss. I chose Eved ("servant") for the reasons I offered to the VUSL faculty when they asked me to help them find a new dean.

When my mother died in 1997, Sy was the first across the threshold to my office. He closed the door and took the time for me to understand that the death of a parent is a truly profound moment. It discloses many important things, he told me. I was now the next generation to die, and I needed to start getting ready for that journey. This was a time to be with my family, and this was a time for immense gratitude for the woman who loved me for the longest time in my life.

8. Charlie Gromley, David Myers, and Linda Whitton

There is only one bronze plaque in the central meeting place of our law school. It commemorates Charlie Gromley, our Property Genius of a different generation. Long ago—before the omnipresence of Lexis-Nexis and Westlaw—VUSL alumni would drop by to see Charlie for a chat when they were stumped with a problem on which they couldn't find a case. First, you had to bring him up to date on your family and how they were doing. Then Charlie would listen carefully to the facts, which always mattered to him. Then he'd tell a former student of a case just like that back in 1923, but he'd also point the "counsellor" (he always used that word) to a more recent decision in Tennessee that "lays out the whole thing more clearly," and might guide the Indiana court on the matter.

At my second faculty meeting at VUSL, things got kind of rambunctious. Charlie was sitting next to me and sensed my discomfort. He slipped me a little note that read: "Are we having fun yet?" I became his friend for life.

In recent decades, David Myers and Linda Whitton have combined Charlie's famous affability and immense learning of Property Law. David Myers also specialized in the finely tuned sub-themes collectively known as "Intellectual Property."

Linda is a double Valpo graduate, B.A. and J.D. Her academic record is stunning. She graduated first in her law school class and with a perfect 4.0 GPA undergraduate record.

One of the hallmarks of VUSL professors is our willingness to be of service to others. Service is the middle name of David and Linda. In Linda's first year as a VUSL professor, her mentor Charlie died on a December morning. I got the call at 7 a.m. and wondered what to do about the grades in his course. Just before dinner on the night before, Charlie put the last period on his last final exam, neatly laying it on his tidy desk with a simple note, "Good to go." And I didn't have to worry about grading. By 8:30 on the morning Charlie died, Linda was in my office for a hug and a chance to wipe away a tear. Charlie's "finest student" (Charlie, not Linda, told me that!) offered to correct his exams. I accepted and thought the proper thing to do was to offer Linda some extra compensation for such an immense task. She declined, so I told Santa to deliver twenty CDs of her favorite music. I had to repeat the word "CD" for Santa since they were new at the time. But he smiled and told me he'd get on it. He obliged. And now Linda knows the secret of how all those pieces of plastic wound up in her living room that Christmas.

David never had Charlie as a professor but was also a big fan. In fact, everyone was. I never met a more popular or better teacher. Charlie also ran a bar prep course. Maybe that's what led both David and Linda to add a special bar preparation class for their students to bolster their students' confidence and ability to pass property questions on the bar.

Recently, both of these stellar teachers retired early. Dave told us his main reasons were so he'd have more time with his son, Jonathan, and his daughter, Kate, and he'd be able to listen to more music. A wonderful drummer and lover of jazz, David died in August of 2019, surrounded by family and listening to The Rascals. If you missed his memorial in the Chapel of the Resurrection recently, I can tell you it was sweet, each of his children singing a piece David loved, then both of them singing "Amazing Grace" in the most gorgeous way going.

Linda loves music too, but her main reason to retire early was to take good care of her husband John in the last years of his dementia. Linda and John met as sailors. When John passed recently, she paddled out in a kayak at sunset from their home on Prince Edward Island to bury his ashes in the sea they loved so well.

L. *A Path Not Taken: Áine O'Healy*

In 1990, when my wife, Áine O'Healy, and I were seriously considering the offer of the deanship at VUSL, I inquired about the possibility of a job for my wife. In March we flew from L.A. to Valpo to look for a home. The first day began in Dr. Harre's office at 8 a.m. He was cordial and welcoming. Dr. Harre picked up the phone to ask three people to make time to see us. They did so, of course. The conversations with each of these professors were pleasant, but none of them was empowered to offer employment. By noon it was clear that Áine would not be working at VU. It also seemed clear that she would not be relocating to the vale of paradise.

Looking back on decades of her scholarly production that occurred precisely because she and I did not take the same turn along our caminos, I can now be grateful for *roads not taken* together. This enabled Áine to continue to grow in her understanding of Italian cinema and to make truly significant contributions to scholarship in this field. This never would have happened if her own "way led on to way" toward Valparaiso. I am glad she stayed in L.A. and moved on many paths to make a difference at numerous universities she has visited as a globe-trotting scholar who now knows a lot about migration. Her latest book is *Migrant Anxieties*.

M. *Scientific Method, Human Understanding, and the Closing of VUSL*

As I noted above, Canadian philosopher Bernard Lonergan connected scientific method and the philosophy of understanding, which he summed up in four imperatives: be attentive; be intelligent; be reasonable; and be responsible. This method is called "general" because it always applies to all of us without exception. Anyone who had a course with me may recall a syllabus outlining Lonergan's approach to human understanding. I offer a brief sketch of how we may apply the same method I relied on in my classes and seminars to seek to understand whatever we can about the closing of VUSL.

1. Attentiveness to Facts

Questions normally arise from paying close attention to reliable empirical data, things that happen and that may be counted accurately. As Yogi Berra put it, "You can observe a lot by watching."

Because the current object of our inquiry is admission to law schools, attentiveness requires access to reliable statistical data on GPAs and LSAT test scores and other indicators used to predict success in law schools. A

large part of the current confusion over the closing of VUSL is absence of access to data.

Several alumni have shared with me a sense of bewilderment at the news of the closing of their law school. One called it “being blindsided.” Another said that “for several years before the recent crisis there has been little or no attention to sharing any information about the school with its graduates.” A third told me, “I am happy to support the school. It gave me a good education. But I just haven’t heard much lately until I get the news that it is closing.” These comments illustrate that understanding rarely happens without solid information; they also underscore that a crisis cannot be managed by ignoring your best friends.

In pedagogy, “hiding the ball” is bizarre. It does not assist learning. It impedes it. Criminal investigators must pursue Joe Friday’s ceaseless search: “Just the facts, ma’am.” Some facts such as blood type or DNA may be probative. Facts also drive the common law as we distinguish one case from another. Facts enable scientists to grasp things from anthropology to zoology. When judges or politicians intentionally obscure facts, we are left in a state of confusion and misunderstanding that Charles Dickens described on the first page of *Bleak House*: fog everywhere. Not just along the banks of the Thames but also in the Courts of Chancery that are meant to preserve equity.

2. Intelligent Insights

With access to data, insights might occur. We call that an Ah-Ha! moment. A light goes on. We get it. In describing Bruce Berner as a masterful teacher, I noted above that he regularly assisted the achievement of understanding by unifying his students in laughter and then disclosing something important in a way that is easy to recall.

But there is nothing automatic about understanding. Some grasp the significance of things more swiftly than others. Some never seem to understand. And there are none so blind as those who do not want to see.

The process of discerning whom to admit to a law school and whom to deny may not be dramatic and ugly, but we must acknowledge that errors can be made in this process. And there is no doubt a lot more to understand, such as the massive banking and insurance fraud in 2008 and the deep global recession that followed. This is the historic context within which the application pool for admissions to law schools was dramatically reduced in that decade.

It also helps to understand that an awful lot of simplistic and inaccurate reporting about law schools occurred in major media, including the *New York Times*. This fed the flight from law as a profession

for thousands of millennials. For example, one such report in the *Times* claimed that law schools don't teach students how to practice law. This assertion was wildly outdated long ago. It is certainly not true about the faculty of VUSL, which has been composed overwhelmingly by professors who were thoughtful practitioners before they entered the practice of teaching and who regularly taught both law and the skills needed by lawyers. This fact was noted regularly in the accreditation reports by the professional organization (ABA) and the academic community (AALS) that visited our law school every five years.

3. Reasonable Judgments

Insights dawn, but that doesn't mean they are necessarily correct. The moment we get a glimpse at understanding is the beginning of another task: to verify or falsify, to check out our discovery with the experiences and insights of others. This enables us to see whether our insight is possibly false because it is based on insufficient data or to discern that it is probably correct because it works out the same way all over the world. If we can show good reasons to trust or accept our explanation, that means it is reasonable. We always need to keep checking, of course, but a hypothesis that has been verified is worthy of respect.

This process of discernment is also called judgment. It is perfectly fine to have a set of values to order the process of judging. That's why we require "the process that is due." It is also why it is procedurally impermissible to make up your mind about a judgment before hearing the facts. That is called prejudgment or prejudice or bias. Only the Queen of Hearts in Alice's Wonderland would say: "Judgment first, evidence after!"

Values may also be substantive. One must be 18 years old to vote. A president must be at least 35 years old. But process is not "due" if it violates values of freedom or equality. A rule may not ban religious believers from operating a law school or a woman from teaching in one.

One of our accreditors (the ABA) maintains a standard for admissions to law schools to which no reasonable person would likely object. But does the reasonableness of the ABA standard make the ABA's judgment of VUSL's delinquency necessary or proper? My answer is the classic statement of any law professor: "It depends."

First, the facts. In a meeting occurring between October 20 and 22, 2016, the Council of the ABA's Section on Legal Education and Admissions to the Bar publicly censured VUSL for the failure of many students to pass the bar examination. A year later, after considerable damage to the reputation of our law school, the ABA reversed its censure.

Second, treatment of similar circumstances at other law schools. The same Council of the ABA did not sanction law schools in Michigan, including the prestigious University of Michigan, when the bar passage rate of graduates from these schools dropped drastically in a year when the state bar evidently decided to admit fewer lawyers. And the same Council recently required only “specific remedial actions” of the Ave Maria School of Law in Florida when many of its graduates failed to pass the bar; the Council hastily withdrew this requirement as soon as Ave Maria assured the Council that the law school had adopted the remedial actions. In the case of VUSL, however, the ABA Council swiftly executed (the ambiguity of the verb is studied and intentional) the sanction of public censure on the school in 2016 that had the inexorable effect of bringing a rapid end to VUSL.

Third, a litany of questions about the process itself. The full spectrum of potential outcomes—ranging from zero penalty to a slap on the wrist to a sentence that set in motion the end of a fine law school—necessitates some explanation of these profoundly different consequences. To date, the ABA Council has not provided any such justification for its rush to judgment.

Part of procedural fairness in administrative hearings or sentencing hearings is that a party charged with noncompliance with a relevant rule (akin to the ABA accreditation standard referenced above) is entitled to introduce before the factfinders (who are also the decision-makers) testimony in support of the party charged with wrongdoing. Did the ABA encourage VU to assemble the testimony of numerous friends aware of its excellent reputation as a law school before its recent censure? Irrespective of the failure of the ABA to ensure fairness in its own proceedings, did VU itself make any serious effort to enlist our senior friends in the bench and bar to seek support in this moment of great vulnerability?

These and other questions are all relevant to a determination of what Lonergan means by reasonableness. If anyone at the ABA or VU has serious reasons to offer, they should be stated publicly so that they may be tested in the crucible of open dialogue.

4. Responsible Decisions

Was the ABA’s public censure of VUSL truly necessary? That is, were there no meaningful alternatives to this result available to the Council in 2016? If so, after grave damage to the reputation of VUSL had been done, why did the same Council of the ABA reverse its public sanction a year later in November of 2017? As for the university’s role in these events, why did the university wait until 2017—after it had been censured—to

present to the Council “substantial evidence” that evidently persuaded the Council to remove the sanction of public censure in 2017?

In my view, the ABA Council did not need to impose sanctions as severe as a public censure in 2016. Questions about responsibility, however, may not be limited to the ABA. When any issue in any college or university comes to a point of seriousness requiring a formal corporate decision, the power to decide the issue rests, of course, with its Board of Directors.

Alumni and friends of the university, including judges and leaders of the bar, were willing to step up and remind the ABA of decades of commitment by VUSL to ennobling and high-quality legal education of women and men and help VUSL in its hour of need but were never asked to do so. I also lament the needless isolation of university leaders from our own graduates. My view is that the decision of the ABA was not a prudent or courageous exercise of due diligence and thoughtful responsibility. By the same token, the inaction of officers and directors of the university seems to be a curious failure to protect the reputation of a law school that had contributed so much good to the university, and to the nation, and to the world, in the 140 years of its existence.

One final question. Even if the directors determined that it had to cut its financial losses at VUSL, did anyone in the university leadership give any creative thought to some way of continuing to care for clients of the VUSL Clinic? The university, after all, has received numerous gifts to a law school, some of which were clearly for serving the needs of the poor. Cannot *cy pres* principles be applied to sustain service to some of these clients, for example, those born here in the United States of America but swept up into one mass of callous indifference? I hope the directors will recall that my colleague Geoffrey Heeren has, for years, been an effective champion of vulnerable clients of our Law Clinic who are trapped in the current political indecision about a reasonable migration policy. Heeren’s advocacy was so effective in courts and administrative agencies that in 2017 the university conferred on him its prestigious Martin Luther King Award for advancing racial justice.

Before VU does the final accounting of the assets of VUSL, I hope its officers ponder its Lutheran heritage one more time and recall that many gave money to VUSL over the decades to support a ministry to the poor.

Because many circumstances discussed in this memoir cannot now be altered, we must now accept the consequences of these decisions. But those of us who pray may still do so, as Reinhold Niebuhr taught us to, for courage to change the things we should and for the wisdom to know the difference between what we can and cannot change.

N. Knowing How to Do Things Well: A Special Knack of the Duesenbergs

I have saved the best wine for last. Once again, I need to repeat my deep gratitude to all of our alumni who contributed time, money, and energy to VUSL over the 140 years of its existence.

I single out two VU alumni who are exemplary representatives of generosity found in so many of our alumni. Dick and Phyllis Duesenberg comprehended the priority and universality of God's grace, which evokes from us the only thing God expects of us in exchange for his gracious gifts: thanksgiving, gratitude. From the Welcome Center named for Phyllis and Dick, through the Duesenberg Music Hall in the Center for the Arts, to the mighty organ in the University Chapel; from the Center for German Studies, to the Department of Modern Languages with its endowed Chair in French Studies, there is hardly a part of the VU campus untouched by Duesenberg generosity.

Bill Conover Jr. opened for us a wonderful opportunity to play a leading role in producing a major exhibition of paintings on loan from the National Museum of Art, Romania. The backstory of how that came to pass is a long one. Put simply, this blockbuster exhibition of Old Masters from the Romanian National Art Museum never would have happened but for the boldness, cleverness, and gentleness of Phyllis Duesenberg, who took full advantage of an opportunity presented to her at a quarterly meeting of the VU directors and turned a prohibition of VUSL involvement into a presidential blessing.

Although Phyllis and Dick would deny it, in my opinion VUSL could not have extended serious invitations to the Justices who were guest lecturers in Cambridge without the Duesenbergs. They made it possible to arrange things properly under these circumstances. The generosity of the Duesenbergs to the law school includes a named professorship and constant generous support of the annual fundraising effort.

I am equally delighted that their contributions to arts at Valpo led to an abundance of events at a world-class level. The Bach Passions, both Matthew and John. The Mass in B Minor. The Christmas Oratorio. I once called Dick and briefly described the impact of one of these truly superb performances on me, and I told him I would like to thank him. At first, he humbly refused any gift. So I pressed further and further until finally Dick told me I could send flowers for Phyllis and prayers for him.

I sent the flowers. And whenever I conjoin the words "music" and "Valpo," it reminds me to do the one thing that Dick asked of me, to thank God for the transforming generosity of our alumni and to try to become more generous myself.

IV. CONCLUSION: THE END OF A GREAT LAW SCHOOL
AND THE GLORY OF FRIENDSHIP

A. *Self-Appropriation*

I have selected matters for inclusion in this memoir that I thought might help all of its readers—especially alumni of VUSL—to realize that you are a major (in fact, the most important) part of this narrative. So if that has not been clear already, let me say so now. The story of Valpo Law that I have offered is only a small slice of some of my experiences, but the real purpose of sharing some of my memories is to enable you to come into this story somehow.

Each of you is aware of your own experiences. I invite you to engage in similar reflection that helps you to retain a healthy regard for yourselves and for the overall quality of the education you received. I am equally confident that if *you* do this sort of reflection—and only *if* you do it, because no one else in the world can do so on your behalf—it will trigger also memories of a Charlie Gromley or an Ivan Bodensteiner, a Lou Bartelt or an Al Meyer, a Jack Hiller or a Paul Brietzke, a Bruce Berner or a Dave Vandercoy, a David Cleveland or a Bernie Trujillo, a Laura Dooley or a JoEllen Lind, a Sy Moskowitz or a Rosalie Levinson, a Richard Gordon Hatcher or a Derrick Carter, a Richard Stith or a Jeremy Telman, a David Myers or a David Herzig, a Barb Schmidt or a Paul Kohlhoff, a Bob Blomquist or a Rob Knowles, a Linda Whitton or a Rebecca Huss, a Mike Straubel or a Ruth Vance, a Mary Persyn or a Steve Probst, a . . . well, *you*, my friend are the one who must fill in the blank of your story of the path you trod at Valpo and how that made a difference in your life.

B. *A Double Benediction*

I return to Paul Brietzke, who was not a conservative sort, but who once urged me to be careful about what I did or said at Valpo, because if you do or say anything more than twice, Lutherans might turn it into a tradition. Because I prayed publicly on more than a couple of occasions at Valpo Law, I ask you now to be indulgent at the end of this long memoir, which concludes with two more benedictions or blessings.

An Irish Blessing
Anonymous

God bless all my friends.
As for those who aren't,
may he turn their hearts

so that they become my friends.
And if he can't,
may he turn their ankles a bit
so that I can see them coming.

The first blessing is the shortest and easiest to understand: a prayer for progressive encirclement with friends, but also a prayer for oneself to preserve the cold awareness that not everyone near you will really be your friend. In the specific context of this memoir in the final issue of this law school's superb *Law Review*, it might be construed as a prayer that God might yet inflict a turned ankle on any of us who failed to see what was coming and to take appropriate steps to avoid this sad ending. No doubt people who use words like "support" only in an anodyne, anemic sense might deem this interpretation too harsh, so I won't pray publicly for the breaking of their ankles. I will, instead, repeat a question I never dreamed I would hear a pope utter: "Who am I to judge?"

The Municipal Gallery Revisited (1937)
William Butler Yeats

Around me the images of thirty years:
An ambush; pilgrims at the water-side;
Casement upon trial, half hidden by the bars,
Guarded; Griffith staring in hysterical pride;
Kevin O'Higgins' countenance that wears
A gentle questioning look that cannot hide
A soul incapable of remorse or rest;
A revolutionary soldier kneeling to be blessed;
An Abbot or Archbishop with an upraised hand
Blessing the Tricolour. 'This is not,' I say,
'The dead Ireland of my youth, but an Ireland
The poets have imagined, terrible and gay.'
Before a woman's portrait suddenly I stand,
Beautiful and gentle in her Venetian way.
I met her all but fifty years ago
For twenty minutes in some studio.

III

Heart-smitten with emotion I Sink down,
My heart recovering with covered eyes;
Wherever I had looked I had looked upon
My permanent or impermanent images:
Augusta Gregory's son; her sister's son,

Hugh Lane, 'onlie begetter' of all these;
 Hazel Lavery living and dying, that tale
 As though some ballad-singer had sung it all;
 Mancini's portrait of Augusta Gregory,
 'Greatest since Rembrandt,' according to John Synge;
 A great ebullient portrait certainly;
 But where is the brush that could show anything
 Of all that pride and that humility?
 And I am in despair that time may bring
 Approved patterns of women or of men
 But not that selfsame excellence again.
 My mediaeval knees lack health until they bend,
 But in that woman, in that household where
 Honour had lived so long, all lacking found.
 Childless I thought, 'My children may find here
 Deep-rooted things,' but never foresaw its end,
 And now that end has come I have not wept;
 No fox can foul the lair the badger swept

VI

(An image out of Spenser and the common tongue).

John Synge, I and Augusta Gregory, thought
 All that we did, all that we said or sang
 Must come from contact with the soil, from that
 Contact everything Antaeus-like grew strong.
 We three alone in modern times had brought
 Everything down to that sole test again,
 Dream of the noble and the beggar-man.

VII

And here's John Synge himself, that rooted man,
 'Forgetting human words,' a grave deep face.
 You that would judge me, do not judge alone
 This book or that, come to this hallowed place
 Where my friends' portraits hang and look thereon;
 Ireland's history in their lineaments trace;
 Think where man's glory most begins and ends,
 And say my glory was I had such friends.

This blessing is a poem by William Butler Yeats, one of Ireland's Nobel laureates in Literature. It offers you an opportunity for you to connect with some Valpo professor who taught you something you still deem important or valuable, or to find some classmate on Facebook and catch

up on what's going on in each other's lives. In this poem, observe William Butler Yeats—then seventy-two years old—as he stands quietly in The Municipal Gallery, one of Dublin's most important places of cultural expression. The poet looks intently on portraits of great Irishmen and Irishwomen and asks us to do the same:

Where my friends' portraits hang and look thereon;
Ireland's history in their lineaments trace;
Think where man's glory most begins and ends,
And say my glory was I had such friends.

My friends, all I ask of you is to recall women and men of Valparaiso University School of Law who worked together to make the graduates of this school attentive, intelligent, reasonable, and responsible lawyers striving mightily for the common good of our country and of this fragile planet that we still dare to call our common home.

APPENDIX A

FACULTY AND STAFF OF THE
VALPARAISO UNIVERSITY SCHOOL OF LAW
1879–2020

Faculty

Mark L. Adams (Associate Dean)
Penelope E. Andrews
Richard P. Baepler (VP, Academic Affairs)
Natalie Banta
Louis F. Bartelt Jr. (Dean)
Bruce G. Berner (Associate Dean)
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Jan Zoladz

APPENDIX B

SWYGERT MOOT COURT COMPETITION

The Swygert Moot Court competition was named for Chief Judge of the U.S. Court of Appeals for the Seventh Circuit, Luther Merritt Swygert, and began in 1989–90 academic year. It continued in each academic year down to the fall semester of 2018. Every year, distinguished federal and state judges participated in this competition. Supreme Court Associate Justices Antonin Scalia (1996, 2007) and Clarence Thomas (1998, 2001) presided twice in the competition. David F. Hamilton (2010); Michael S. Kanne (1994, 1997, 1998, 1999, 2001, 2002, 2006, 2009, 2013, 2017); Daniel A. Manion (2007); Diane S. Sykes (2005); John Daniel Tinder (2008); Charles R. Wilson (2006); Diane P. Wood (2003, 2015); and Harlington Wood (1990).

Federal District Judges also took part in the competition: Sarah Evans Barker (1998); Paul R. Cherry (2005); Sharon Johnson Coleman (2011); Jon E. DeGuilio (2011, 2012); Joan N. Ericksen (2006); Joan Gotschall (1999); Robert L. Miller (1991, 2000); Rebecca R. Pallmeyer (2001, 2003, 2007, 2018); Allen Sharp (1992); Philip Simon (2013, 2017); Theresa Springmann (2014); and John R. Tunheim (2001).

U.S. Magistrate Judges included Susan Collins (2015); Michael G. Gotsch (2016); Denise K. LaRue (2012); John Martin (2013); Christopher A. Nuechterlein (2010); and Andrew P. Rodovich (1994, 1999, 2000, 2004).

Members of both the Supreme Court of Indiana and the Indiana Court of Appeals also regularly sat in the judicial panels that evaluated the final round of the Swygert Moot Court. Chief Justice Randall T. Shepard served on the first panel in 1990, on the panel with Justice Scalia in 1996, and on the second-to-last panel in 2017. Associate Justices of the Supreme Court of Indiana who also participated in the Swygert Moot Court included Theodore R. Boehm (2004); Brent E. Dickson (2003); Richard Givan (1992); Mark S. Massa (2014); Robert D. Rucker (2002); Myra Selby (1996); and Frank J. Sullivan Jr. (1999, 2004, 2009).

Judges of the Indiana Court of Appeals who took part in the Swygert Moot Court included L. Mark Bailey (1999); Betty Barteau (1992); Sanford M. Brook (2000); Linda L. Chezem (1990); William G. Conover (1993); George B. Hoffman (1993); Edward W. Najam (1994); Margret G. Robb (1999); Robert D. Rucker (1991); Vivian Sue Shields (1992); Nancy H. Vaidik (2004, 2015, 2017); and Circuit Court Judge Robert C. Probst (2016).

Justices and Judges from other state appellate tribunals: Joel P. Hoekstra, Michigan Court of Appeals (2005); Elizabeth Lacy, Supreme Court of Virginia (2008); Mary G. McMorrow, Supreme Court of Illinois

(1997); David M. Sawyer, Michigan Court of Appeals (2009); and Debra Todd, Supreme Court of Pennsylvania (2008).